

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

ROCKY LEE BENTON,
Petitioner,

VS.

COLE JETER, Warden,
FCI-Fort Worth,
Respondent.

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CIVIL ACTION NO.4:05-CV-583-Y

ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS

Before the Court is the petition for writ of habeas corpus under 28 U.S.C. § 2241 of petitioner Rocky Lee Benton, along with the January 26, 2006, findings, conclusions, and recommendation of the United States magistrate judge. The magistrate judge gave the parties until February 16 to file written objections to the findings, conclusions, and recommendation. As of the date of this order, no written objections have been filed.

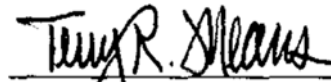
The Court has reviewed the pleadings and the record in this case, and has reviewed for clear error the proposed findings, conclusions and recommendation of the United States magistrate judge filed on February 16, 2006. The Court concludes that the petition for writ of habeas corpus should be dismissed for the reasons stated in the magistrate judge's findings and conclusions.

Therefore, the findings, conclusions and recommendation of the magistrate judge are ADOPTED.

Respondent Jeter's December 22, 2005, motion to dismiss [docket no. 8] is GRANTED.

Rocky Lee Benton's petition for writ of habeas corpus under 28 U.S.C. § 2241 is DISMISSED without prejudice for lack of exhaustion.

SIGNED February 28, 2006.

A handwritten signature in black ink, appearing to read "Terry R. Means", written over a horizontal line.

TERRY R. MEANS

UNITED STATES DISTRICT JUDGE